



TOWN OF DUXBURY



BOARD OF APPEALS

DUXBURY BOARD OF APPEALS
MEETING MINUTES

October 26, 2023 @ 7:30 p.m.

TOWN CLERK

2024 JAN 12 AM 8:58

DUXBURY, MASS.

ATTENDANCE: Wayne Dennison, Emmett Sheehan, Tanya Trevisan, and Borys Gojnycz
Other persons present at the hearing: James Wasielewski, Director of Municipal Services

CALL TO ORDER: Wayne Dennison, Chair, called the meeting to order and reads the Governor's Preamble: Pursuant to Chapter 2 of the Acts of 2023, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public and board members, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. Additionally, the meeting will be broadcast live, in real time, via the Duxbury Government Access Channels – **Verizon 39 or Comcast 15**. Viewers can visit www.pactv.org/duxbury for information about Duxbury programming including streaming on Duxbury You Tube, to watch replays and Video on Demand.

AGENDA

ZBA Case #2023-19, Bowen, 38 King Caesar Road: *The Board voted unanimously (4-0) to approve the special permit as requested..*

Administrative:

Approve Meeting Minutes

Wayne Dennison makes a motion to adjourn. Emmett Sheehan seconds.

BOARD OF APPEALS MINUTES

Case No: 2023-19

Petitioner: Steven and Deborah Bowen

Address: 38 King Caesar Road

Date: October 26, 2023 Time: 7:30 p.m.

Members present: Wayne Dennison, Tanya Trevisan, Emmett Sheehan and Borys Gojnycz

Members Voting: Wayne Dennison, Tanya Trevisan, Emmett Sheehan and Borys Gojnycz

Other persons present at the hearing: James Wasielewski, Building Commissioner

- Wayne Dennison opens the public hearing and reads the hearing notice into the record. Chair Dennison continues to read the case response memos as well
- Cesar Monte, the Architect for Patrick Ahean Architect, presents the case to the board and states that the new proposed pool house will be slightly pulled away from the side setback and then a small storage shed, reduced in square footage as well. Lot coverage and building coverage won't change in this proposal and 132 feet less in non-conforming volume
- Wayne Dennison states that in both instances the setback non-conformity is being reduced, but the pool house is increasing in non-conforming area in the setback by like 60 square feet
- Cesar Monte states it is so far from the street and the overall with the two buildings is less non-conforming
- Wayne Dennison states the only problem I have with this is that you are bundling the two structures into one application. And one of the structures is increasing in non-conformity; I don't think you can bundle the buildings
- Jim Wasielewski agrees it should be one building per application
- Borys Gojnycz states I agree
- Emmett Sheehan states what is the overall amount increase
- Wayne Dennison states 60 square feet
- Wayne Dennison states you are already non-conforming in terms of setback, so you are going to increase the area in non-conformity in area. The Board can make a determination that this change or increase has a di-minimis effect on the neighborhood and approve it anyway
- Emmett Sheehan states I can see the property from my home and I feel that what they are proposing will be downsized in reality and the proposal is beautiful. I don't think this is detrimental to the neighborhood at all
- Susanna Sheehan, 122 Powder Point Avenue, states I support this proposal, it is a beautiful design and honestly you can't see this from the road, it is nestled into their lot and would be a benefit to the neighborhood
- Borys Gojnycz states I did a drive by of the property recently and this proposal is definitely going to be not only more appealing but also less massing as what is existing
- Wayne Dennison makes a motion to close the public hearing
- Emmett Sheehan seconds
- All in favor WD, BG, ES, TT

- Jim Wasielewski states just so the Applicant is aware, when it comes time to pull building permits for these, there will need to be two separate building permits.
- Wayne Dennison makes a motion to approve the special permit request consistent with the drawings dated September 5, 2023 and the Site Plan dated September 8, 2023 on the condition that the applicant fully comply with the requirements reflected in the Board of Health memo.
- Tanya Trevisan seconds
- All in favor WD, ES, TT, BG